

REMARKS

In the Office Action dated May 2, 2003, the Examiner objected to several informalities in the formatting paper copy of the application and requested citation of the parent US Application 09/005,985. Applicants have also amended the pending specification by correcting the figure numbers; these amendments place it in conformity with the amendments entered in the parent US Application 09/005,985. No new matter has been entered. Pursuant to acceptance of the above amendments to the specification, Applicants will promptly submit a new paper copy of this application properly formatted and with the above amendments included.

In the Office Action, the Examiner rejected claims 45-48 under 35 U.S.C. §103(a) as unpatentable over US Patent 5,882,903 to Andrevski et al. in view of US Patent 5,863,502 to Southgate et al. Applicants respectfully disagree with these rejections since these references are not prior art.

US Patent 5,882,903 to Andrevski et al. was filed on November 1, 1996. US Patent 5,863,502 to Southgate et al. was filed on January 23, 1997. The present application a continuation of U.S. Application Ser. No. 09/005,985, filed on January 12, 1998, which is a continuation-in-part of U.S. application Ser. No. 08/589,027, filed Jan. 19, 1996, now U.S. Pat. No. 5,856,174 (and also claims the benefit of U.S. Provisional Application 60/000,703, filed Jun. 29, 1995, and U.S. Provisional Application No. 60/000,859, filed Jul. 5, 1995.) For the present purposes, the Examiner is respectfully asked to review the specification of U.S. Application 08/589,027, filed Jan. 19, 1996.

Independent claim 45 is fully supported by the specification of U.S. Application 08/589,027, filed Jan. 19, 1996, and thus receives the effective filing date of, at least, Jan. 19, 1996. (Most likely, independent claim 45 is supported by the specification of Application 60/000,703, filed Jun. 29, 1995 or U.S. Provisional Application No. 60/000,859, filed Jul. 5, 1995, but this is not needed or asserted at this time.) Specifically, U.S. Application 08/589,027 (published as U.S. Pat. No. 5,856,174) discloses a low-volume hybridization device having a base, a reaction chamber disposed in the base, wherein the reaction chamber is bound by a flexible diaphragm.

Furthermore, U.S. Application 08/589,027 discloses a probe array (see, e.g., array 708) disposed in the reaction chamber. The Examiner is respectfully referred to, at least, for example, Figs. 2B, 5A, 5B, and 7A. Therefore, neither US Patent 5,882,903 to Andrevski nor US Patent 5,863,502 to Southgate are prior art to independent claim 45 (and are not prior art to a new independent claim 91).

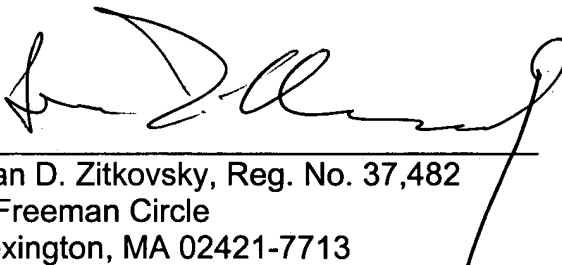
Applicants have introduced new claims 66 through 110 fully supported by the pending specification and within the elected Group II (identified in the Restriction Requirement dated December 2, 2002).

Therefore, all pending claims are in condition for allowance and such action is respectfully requested.

Enclosed is a Petition for Extension of Time extending time for this response for two months to and including October 2, 2003.

Please charge all PTO fees and apply all credits to the Deposit Account No. 01-0431.

Respectfully submitted,


Ivan D. Zitkovsky, Reg. No. 37,482
6 Freeman Circle
Lexington, MA 02421-7713

Tel. +781-274-6692 (or 274-8064)
Fax +781-274-6696 (or 274-8065)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on

October 2 2003


Ivan D. Zitkovsky